

REMARKS

Applicant appreciates the Examiner's review of the above-identified patent application and respectfully requests reconsideration and allowance in view of the above amendments and following remarks. Applicant also appreciates the Examiner granting a telephone interview with Applicant's Attorney of Record, Paul J. Kroon, Jr., Esq., on August 16, 2005.

Claims 5, 13-16, 21 and 22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the admitted prior art of FIG. 1 in view of U.S. Patent No. 5,664,265 to Götter et al. (hereinafter referred to as Gotter). Applicant respectfully traverses this rejection. Applicant respectfully repeats the objection to the Examiner's conclusion that the embodiments shown in FIGS. 5 and 6 of Gotter are equivalent.

With this amendment, however, Applicant has cancelled claims 5, 13-16, 21 and 22, reinstated previously cancelled claims 17-20, and has added new independent claim 23 and dependent claims 24-30. As explained in greater detail hereinbelow, Applicant submits that independent claims 17 and 23, and the claims that depend therefrom, are patentable over the cited references.

Newly added independent claim 23 recites, in relevant part,

means biasing said flexible sink engagement section from an unbiased position wherein said flexible sink engagement section is disposed at a first angle relative to a longitudinal axis of said body portion to an installed, biased position wherein said flexible sink engagement section is biased against said vertical face of said countertop opening and is disposed at a second angle relative to said longitudinal axis of said body portion, wherein said second angle is less than said first angle

Additionally, independent claim 17 recites, in relevant part,

biasing a flexible sink engagement section of said at least one mount, said flexible sink engagement section initially disposed at an angle relative A1 relative to said sink wherein said biasing reduces said angle A1

Applicant appreciates the Examiner's remarks during the telephone interview that the above recited limitations appear to be patentable over the combination of FIG. 1 and Gotter. For the reasons discussed in the BACKGROUND OF THE INVENTION section of the present application, Applicant submits that the apparatus shown in FIG. 1 does not disclose or suggest these limitations.

Moreover, Applicant further submits that Gotter does not disclose or suggest these elements. As discussed during the telephone interview, Gotter discloses a securing element having "a main body 30 in the form of a plastic injection-molded part with an approximately block-shaped portion 32." (See column 6, lines 32-33.) (Emphasis added.) The main body 30 also includes:

on its outside an oblique surface 108 along which the spreading leg 102 slides when the clamping screw 56 is tightened (see FIG. 6). During this, two claws 64' of the spreading leg 102 dig into the circumferential surface 46 of the cut-out opening 42 in the plate because the claws 64' are moved upwardly and outwardly, i.e., upwardly and to the left according to FIG. 6 while the spreading leg 102 slides along the oblique surface 108 of the main body 30. (See column 8, lines 27-34.) (Emphasis added.)

According to Gotter, the securing element is attached to the sink 10 with the clamping screw 56 loose prior to installation of the sink 10. With the clamping screw 56 loose, the claw 64' is disposed beneath the oblique surface 108 and the claw 64 will not contact the surface 46 of the sink opening 42 until the user tightens the clamping screw 56. The tightening of the clamping screw 56 moves the claws 64' upwardly against the oblique surface 108. As the claws 64' slides along the oblique surface 108, the oblique surface 108 moves the claws 64' outwardly away from the main body 30 and against the surface 46 of the sink opening 42 such that the angle between elements 64 and 102 and the longitudinal axis of the securing element 30 increases.

Whereas the claw 64' of Gotter is moved upwardly and outwardly from the main body 30 when clamping screw 56 is tightened such that the angle increase, the flexible sink engagement section of the present invention actually moves

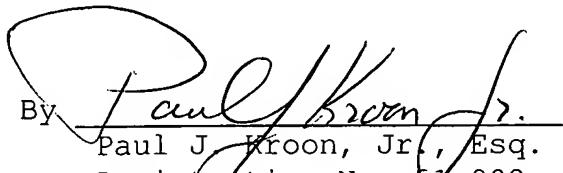
In re: Joseph Brown  
Filed: August 18, 2003  
Serial No.: 10/642,777  
Page 10

inwardly and towards the body portion such that the angle between the flexible sink engagement section and the body decreases when the sink is installed. Applicant submits that this distinction is important. The present invention allows the mounts to be secured to the sink and the sink to be simply inserted in the opening in the countertop without any additional adjustment. In contrast, the securing element disclosed by Gotter requires the user to crawl under the sink 10 to tighten the screw 56 once the sink 10 is in place which, as discussed in the BACKGROUND OF THE INVENTION of the present invention, is time consuming, awkward, and difficult.

The Examiner is invited to telephone the undersigned, Applicant's Attorney of Record, to facilitate advancement of the present application.

Respectfully submitted,

Joseph Brown

By   
Paul J. Kroon, Jr., Esq.  
Registration No. 51,902  
Attorney for Applicant

BOURQUE & ASSOCIATES, P.A.  
835 Hanover Street, Suite 301



In re: Joseph Brown  
Filed: August 18, 2003  
Serial No.: 10/642,777  
Page 11

Manchester, New Hampshire 03104

Telephone: (603) 623-5111  
Facsimile: (603) 624-1432

Date: August 18, 2005